

## **REMARKS**

**[0001]** Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

### **Claims pending**

- Before this Amendment: Claims 1-16, 25-33, 36, and 37
- After this Amendment: Claims 1-16, 25-33, 36, and 37

**Non-Elected, Canceled, or Withdrawn claims:** 2, 4, and 7

**Amended claims:** 1, 5, 9, 25, and 32

**New claims:** None

### **Claim Amendments**

**[0002]** Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 5, 9, 25, and 32 herein. Applicant amends claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

## **Substantive Matters**

### **Claim Rejections under § 103**

**[0003]** Claims 1-16, 25-27, 29-33, 36, 37 are rejected under 35 U.S.C. § 103. In light of the amendments presented herein and the decisions/agreements reached during the above-discussed Examiner interview, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

**[0004]** The Examiner's rejections are based upon the following references in combination:

- **Knudson'823:** *Knudson*, US Patent No. 7,254,823 (issued August 7, 2007);
- **D'Souza:** *D'Souza, et al.*, US Patent Application Publication No. 2006/0117348 (Published June 1, 2006);
- **Jerding'616:** *Jerding, et al.*, US Patent No. 6,792,616 (issued September 14, 2004);
- **Houghton:** *Houghton, et al.*, US Patent No. 2005/0021609 (Published January 27, 2005);
- **Jerding'982:** *Jerding*, US Patent No. 6,738,982 (issued May 18, 2004);
- **Hoarty:** *Hoarty, et al.*, US Patent No. 6,305,020 (issued November 16, 2001);
- **Hassell:** *Hassell, et al.*, US Patent Application Publication No. 2007/0033615 (Published February 8, 2007); and

- **Knudson'577:** *Knudson, et al.*, US Patent No. 6,526,577 (issued February 25, 2003).

### Overview of the Application

**[0005]** The Application describes a technology for virtual tuner to unify execution of a variety of applications to provide content on a client.

### Cited References

**[0006]** The Examiner cites Knudson'823 as the primary reference in the obviousness-based rejections. The Examiner cites D'Souza, Jerding'616, Houghton, Jerding'982, Hoary, Hassell, and Knudson'577 as secondary references in the obviousness-based rejections.

#### *Knudson'823*

**[0007]** Knudson'823 describes a technology for constrained selection of favorite channels.

#### *D'Souza*

**[0008]** D'Souza describes a technology for displaying editorial content through television navigation controls and electronic program guides.

*Jerding'616*

**[0009]** Jerding'616 describes a technology for providing a plurality of programming services in a television system.

*Houghton*

**[0010]** Houghton describes a technology for complementary content sources.

*Jerding'982*

**[0011]** Jerding'982 describes a technology for uniform resource identification and access to television services.

*Hoarty*

**[0012]** Hoarty describes a technology for interactive cable television system.

*Hassell*

**[0013]** Hassell describes a technology for a television program guide with a digital storage device and a secondary storage device.

Knudson'577

**[0014]** Knudson'577 describes a technology for enhanced interactive program guide.

## **Obviousness Rejections**

### **Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)**

**[0015]** Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a *prima facie* case have not been met.

### **Based upon Knudson'823, D'Souza, Jerding'616, and Houghton**

**[0016]** The Examiner rejects claims 1, 4, 6, 8 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823 in view of D'Souza and Jerding'616, and further in view of Houghton. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

### **Independent Claim 1**

**[0017]** Applicant submits that combination of Knudson'823, D'Souza, Jerding'616, and Houghton does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- “EPG data is processed by the server into a suitable form for storage and processed on the client”
- “outputting, by the client, **a EPG including a plurality of representations of a plurality of content for simultaneous display by the client**”

- “**the plurality of content includes remote content available over the server represented by EPG data from the server and local content available locally on the client”**
- “the EPG is configured to form one or more events in response to user interaction with one or more said representations, wherein the one or more events are based on information other than application identification information originating from the server”
- “executing, by the client, a virtual tuner on the client to manage execution of each said plurality of applications to **provide respective said content represented by the EPG** in response to the events formed utilizing the EPG, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications, **the executing comprising managing a lifecycle of each said application to output respective said content represented by the EPG automatically and without the user intervention,**
- “**wherein the lifecycle includes:**  
launching the said application;  
**rendering the respective said content represented by the EPG on respective windows that are displayed on a display device,**

**each window being utilized to display an output for the said content executed by the respective said application;**  
**managing one or more windows that are displayed on a display device, the managing including managing place of the one or more windows displayed on the display device; and**  
terminating the said application"

**[0018]** The Examiner indicates (Office Action, p. 4) the following with regard to the features of virtual tuner in this claim:

"executing a virtual tuner on the client to manage execution of each said plurality of applications to provide respective said content in response to the events formed utilizing the guide (Knudson'823 - Col 9: lines 5-14, Col 5: lines 43-46; D'Souza - application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to events formed utilizing the guide)"

**[0019]** The Examiner appears to implicitly equate the "editorial content item" in D'Souza with the "content" in the claims.

**[0020]** D'Souza discloses "presenting advanced editorial content items to subscribers" and "an application launcher ... for launching other software and program code ... to render certain types of editorial content items". Abstract and [0029]. The "editorial content item" in D'Souza, however, is just rich media description of a programming content instead of the EPG content itself. See [0005] and Fig. 5 (the programming content 506 and editorial content 510 are two separate components). Therefore, D'Souza at most discloses an application

launcher to launch different editorial contents but such editorial content is not EPG data. See Fig. 5.

**[0021]** Knudson'823 discloses "a selection screen wherein the program guide displays program listings for channels of available media types". Col. 9, lines 5-7.

**[0022]** Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render claim 1 unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents to D'Souza and Knudson'823 must also teach or suggest each and every claim feature. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish prima facie obviousness of a claimed invention, *all the claim features* must be taught or suggested by the prior art).

**[0023]** In contrast, claim 1 recites "executing ... a virtual tuner ... to manage execution of each said plurality of applications to **provide respective said content represented by the EPG**", which is not disclosed by D'Souza and Knudson'823.

**[0024]** This claim, by incorporating the features of former claim 2 and 4, presently recites "**the executing comprising managing a lifecycle of each said application to output respective said content represented by the EPG automatically and without the user intervention**".

**[0025]** The Examiner indicates (Office Action, p. 6 an 7) the following with regard to the features of virtual tuner in addressing former claim 2 and 4 separately:

"In an analogous art Jerding'982 teaches, manage a lifecycle of each said applications (Col 3, lines 19-27 teaches a service application manager (SAM) Fig. 2, 29 that handles the lifecycle of the applications)"

"Consider claim 4, Knundson'823, D'Souza, Jerding'616, and Houghton teach managing one or more windows; and at least one of said window is utilized to display the respective said content (D'Souza-Paragraph 0033)"

**[0026]** Jerding'982 discloses "the SAM 29 handles the lifecycle of the applications on the system, including the definition, initiation, activation, suspension and deletion of services they provide and the downloading of the application into the DHCT 16 as necessary".

**[0027]** D'Souza discloses "the editorial content item may be displayed in place of the editorial content index page, within the context of the surf guide, within the context of the electronic program guide, or any other area of the display device alone or in conjunction with other display elements presented herein." [0033].

**[0028]** In contrast, claim recites "... **managing a lifecycle ... automatically and without the user intervention**" and "wherein the lifecycle includes: ... rendering the respective said content represented by the EPG on respective windows that are displayed on a display device, each window being utilized to display an output for the said content executed by the respective said application; managing one or more windows that are displayed

on a display device, the managing including managing place of the one or more windows displayed on the display device; ...".

**[0029]** Specifically, both D'Souza and Jerding'982 do not disclose "managing place of the one or more windows displayed on the display device" "automatically and without the user intervention" as recited in this claim.

**[0030]** After a review of the references cited by the Examiner, Applicant asserts that none of the cited references disclose the other newly added or amended features as presently recited in claim 1. These features have not previously been considered by the Examiner.

**[0031]** As shown above, the combination of Knudson'823, D'Souza, Jerding'616, and Houghton does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 4, 6, and 8*

**[0032]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, Jerding'616, Houghton, and Jerding'982**

**[0033]** The Examiner rejects claims 2 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, Jerding'616, and Houghton, and further in view of Jerding'982. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0034]** These claims ultimately depend upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, Jerding'616, Houghton, and Hoarty**

**[0035]** The Examiner rejects claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, Jerding'616, and Houghton, and further in view of Hoarty. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0036]** This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, Jerding'616, Houghton, and Hassell**

**[0037]** The Examiner rejects claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, Jerding'616, and Houghton, and further in view of Hassell. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0038]** This claim ultimately depends upon independent claim 1. As discussed above, claim 1 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823 and D'Souza**

**[0039]** The Examiner rejects claims 9, 11, 13, 14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823 in view of D'Souza. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**Independent Claim 9**

**[0040]** Applicant submits that combination of Knudson'823 and D'Souza does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- “**choosing, by the virtual tuner, one or more of the plurality of applications that, when executed, provide the selected content represented by the EPG**, wherein the choosing is independent of any application identifying information originating from a computer distinct from the client”

**[0041]** The Examiner indicates (Office Action, p. 12) the following with regard to the features of virtual tuner in this claim:

“choosing one or more of the plurality of applications that, when executed, provide the selected content, wherein the choosing is independent of any application identifying information originating from a computer distinct from the client (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to events formed utilizing the guide)”

**[0042]** The Examiner appears to implicitly equate the “editorial content item” in D’Souza with the “content” in the claims.

**[0043]** D’Souza discloses “presenting advanced editorial content items to subscribers” and “an application launcher ... for launching other software and program code ... to render certain types of editorial content items”. Abstract and [0029]. The “editorial content item” in D’Souza, however, is just rich media description of a programming content instead of the EPG content itself. See [0005] and Fig. 5 (the programming content 506 and editorial content 510 are two separate components). Therefore, D’Souza at most discloses an application launcher to launch different editorial contents but such editorial content is not EPG data. See Fig. 5.

**[0044]** Knudson'823 discloses "a selection screen wherein the program guide displays program listings for channels of available media types". Col. 9, lines 5-7.

**[0045]** Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render claim 9 unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents to D'Souza and Knudson'823 must also teach or suggest each and every claim feature. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish prima facie obviousness of a claimed invention, *all the claim features* must be taught or suggested by the prior art).

**[0046]** In contrast, claim 9 recites "choosing, by the virtual tuner, one or more of the plurality of applications that, when executed, **provide the selected content represented by the EPG**", which is not disclosed by D'Souza and Knudson'823.

**[0047]** As shown above, the combination of Knudson'823 and D'Souza, Jerding'616 does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 11, 13, 14, and 16*

**[0048]** These claims ultimately depend upon independent claim 9. As discussed above, claim 9 is allowable. It is axiomatic that any dependent claim

which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, and Hoarty**

**[0049]** The Examiner rejects claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, and further in view of Hoarty. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0050]** This claim ultimately depends upon independent claim 9. As discussed above, claim 9 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, and Jerding'982**

**[0051]** The Examiner rejects claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, and further in view of Jerding'982. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0052]** This claim ultimately depends upon independent claim 9. As discussed above, claim 9 is allowable. It is axiomatic that any dependent claim

which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, and Hassell**

**[0053]** The Examiner rejects claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, and further in view of Hassell. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0054]** This claim ultimately depends upon independent claim 9. As discussed above, claim 9 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, and Jerding'616**

**[0055]** The Examiner rejects claims 25 and 27-29 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, and further in view of Jerding'616. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

*Independent Claim 25*

**[0056]** Applicant submits that combination of Knudson'823, D'Souza and Jerding'616 does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- “a virtual tuner that is executable on the processor to **launch one or more of said plurality of applications in response to selection of said content represented by the EPG**, independent of any application identifying information originating from a computer distinct from the client, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of said plurality of applications”

**[0057]** The Examiner indicates (Office Action, p. 19 and 20) the following with regard to the features of virtual tuner in this claim:

“a virtual tuner that is executable on the processor to launch one or more of said plurality of applications in response to selection of said content using the guide, independent of any application identifying information originating from a computer distinct from the client (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to selection of content utilizing the EPG)”

**[0058]** The Examiner appears to implicitly equate the “editorial content item” in D'Souza with the “content” in the claims.

**[0059]** D'Souza discloses “presenting advanced editorial content items to subscribers” and “an application launcher ... for launching other software and

program code ... to render certain types of editorial content items". Abstract and [0029]. The "editorial content item" in D'Souza, however, is just rich media description of a programming content instead of the EPG content itself. See [0005] and Fig. 5 (the programming content 506 and editorial content 510 are two separate components). Therefore, D'Souza at most discloses an application launcher to launch different editorial contents but such editorial content is not EPG data. See Fig. 5.

**[0060]** Knudson'823 discloses "a selection screen wherein the program guide displays program listings for channels of available media types". Col. 9, lines 5-7.

**[0061]** Section 2143.03 of the MPEP requires the "consideration" of every claim feature in an obviousness determination. To render claim 9 unpatentable, however, the Office must do more than merely "consider" each and every feature for this claim. Instead, the asserted combination of the patents to D'Souza and Knudson'823 must also teach or suggest each and every claim feature. *See In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added) (to establish prima facie obviousness of a claimed invention, *all the claim features* must be taught or suggested by the prior art).

**[0062]** In contrast, claim 25 recites "a virtual tuner that is executable on the processor to **launch one or more of said plurality of applications in response to selection of said content represented by the EPG**", which is not disclosed by D'Souza and Knudson'823.

**[0063]** As shown above, the combination of Knudson'823 and D'Souza, Jerding'616 does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

*Dependent Claims 27-29*

**[0064]** These claims ultimately depend upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, and Jerding'616**

**[0065]** The Examiner rejects claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza, and further in view of Jerding'616. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0066]** This claim ultimately depends upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, Jerding'616, and Knudson'577**

**[0067]** The Examiner rejects claim 26 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza and Jerding'616, and further in view of Knudson'577. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0068]** This claim ultimately depends upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Knudson'823, D'Souza, Jerding'616, and Hassell**

**[0069]** The Examiner rejects claim 31 under 35 U.S.C. § 103(a) as being unpatentable over Knudson'823, in view of D'Souza and Jerding'616, and further in view of Hassell. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0070]** This claim ultimately depends upon independent claim 25. As discussed above, claim 25 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Hassell, D'Souza, and Jerding'616**

[0071] The Examiner rejects claims 32 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Hassell, in view of D'Souza, and further in view of Jerding'616. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

*Independent Claim 32*

[0072] Applicant submits that combination of D'Souza and Jerding'616 does not teach or suggest at least the following features as recited in this claim (with emphasis added):

- "a virtual tuner that is executable to **manage one or more of said plurality of applications in response to selection of said content represented by the EPG**, said virtual tuner utilizing an application identification table that includes a listing of one or more applications to enable execution of each of the plurality of applications independent of any application identifying information originating from a computer distinct from the client"

[0073] The Examiner indicates (Office Action, p. 28) the following with regard to the features of virtual tuner in this claim:

"a virtual tuner that is executable to manage the plurality of applications in response to the one or more events (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to events formed utilizing

the EPG), independent of any application identifying information originating from a computer distinct from the client (application launcher 220-Fig.2; Paragraph 0029, 0037-0038 teaches software which manages the execution of each of the applications in response to selection of content utilizing the EPG)"

**[0074]** The Examiner appears to implicitly equate the "editorial content item" in D'Souza with the "content" in the claims.

**[0075]** D'Souza discloses "presenting advanced editorial content items to subscribers" and "an application launcher ... for launching other software and program code ... to render certain types of editorial content items". Abstract and [0029]. The "editorial content item" in D'Souza, however, is just rich media description of a programming content instead of the EPG content itself. See [0005] and Fig. 5 (the programming content 506 and editorial content 510 are two separate components). Therefore, D'Souza at most discloses an application launcher to launch different editorial contents but such editorial content is not EPG data. See Fig. 5.

**[0076]** In contrast, claim 32 recites "choosing, by the virtual tuner, one or more of the plurality of applications that, when executed, **provide the selected content represented by the EPG**", which is not disclosed by D'Souza. None of the other cited references disclose this feature.

**[0077]** As shown above, the combination of D'Souza and Jerding'616 does not teach or suggest all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claim 37

**[0078]** This claims ultimately depends upon independent claim 32. As discussed above, claim 32 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Hassell, D'Souza, Jerding'616, and Hoarty**

**[0079]** The Examiner rejects claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Hassell, in view of D'Souza and Jerding'616, and further in view of Hoarty. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0080]** This claim ultimately depends upon independent claim 32. As discussed above, claim 32 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

**Based upon Hassell, D'Souza, Jerding'616, and Jerding'982**

**[0081]** The Examiner rejects claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Hassell, in view of D'Souza and Jerding'616, and further in view of Jerding'982. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

**[0082]** This claim ultimately depends upon independent claim 32. As discussed above, claim 32 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, this claim may also be allowable for additional independent reasons.

## **Conclusion**

**[0083]** All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action.** Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC  
Representatives for Applicant

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